

**REMARKS**

As a preliminary matter, the Examiner has objected to Claim 42 as depending from a canceled claim. Claim 42 has been amended to depend from independent Claim 30. Accordingly, Applicant respectfully asserts that Claim 42 is now in acceptable form. Therefore, Applicant respectfully requests Examiner withdraw the objection to Claim 42.

The Examiner has rejected Claims 30, 31, 34-36, 42, 53, and 54 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,286,185 to Ramsauer ("Ramsauer") in view of U.S. Patent No. 3,426,817 to Parkin et al. ("Parkin") and U.S. Patent No. 1,950,205 to Young ("Young"). Claims 30-36, 38, and 40-58 have been currently amended. Claims 1-29, 37, and 39 stand previously canceled. Claims 32, 33, 38, 40-52, and 55-58 stand previously withdrawn. Claims 30-36, 38, and 40-58 are currently pending. The following remarks are considered by applicant to overcome each of the Examiner's outstanding rejections to current Claims 30, 31, 34-36, 53, and 54. An early Notice of Allowance is therefore requested.

**I. ANY NEXT OFFICE ACTION CANNOT BE MARKED FINAL**

During a telephone conversation with Examiner on August 5, 2009, Examiner indicated that an RCE would need to be filed in order to have the above claim amendments entered. Accordingly, an RCE has been filed with this Amendment/Response. Therefore, Applicant respectfully asserts that any next Office Action issued by the Examiner cannot be marked final.

**II. SUMMARY OF RELEVANT LAW**

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The determination of obviousness rests on whether the claimed invention as a whole would have been obvious to a

person of ordinary skill in the art at the time the invention was made. In determining obviousness, four factors should be weighed: (1) the scope and content of the prior art, (2) the differences between the art and the claims at issue, (3) the level of ordinary skill in the art, and (4) whatever objective evidence may be present. Obviousness may not be established using hindsight or in view of the teachings or suggestions of the inventor. The Examiner carries the burden under 35 U.S.C. § 103 to establish a prima facie case of obviousness and must show that the references relied on teach or suggest all of the limitations of the claims.

**III. REJECTION OF CLAIMS 30, 31, 34-36, 42, 53, AND 54 UNDER 35 U.S.C. § 103(A) BASED ON RAMSAUER IN VIEW OF PARKIN AND YOUNG**

On page 2 of the current Office Action, the Examiner rejects Claims 30, 31, 34-36, 53, and 54 pursuant to 35 U.S.C. § 103(a) as being unpatentable over Ramsauer in view of Parkin and Young. These rejections are respectfully traversed and believed overcome in view of the following discussion.

**Claims 30, 31, 34-36, 42, 53, and 54**

Amended Claim 30 states, in part:

“said holding part being formed by holding elements which project in a resilient manner from the body part in the direction of its outer surface and whose free end has (1) **a first inclined surface which contacts the rim or edge of the opening** so as to support the body part on the rim or edge of the opening without play, and (2) a second inclined surface which enables the holding part and the body part to be pushed through the opening, **the two inclined surfaces being inclined with respect to a plane of the thin wall....**” (emphasis added).

As such, Claim 30 requires that the first inclined surface contacts the rim or edge of the opening. Examiner admits that Ramsauer fails to disclose an inclined surface of a holding part. Rather Examiner asserts that Parkin and Young disclose various elements of an inclined surface of a holding part. However, both Parkin and Young fail to disclose the first inclined surface of Claim 30.

More specifically, the portion of Parkin to which Examiner points as disclosing an inclined surface of a holding part (i.e., aperture 2 in Figs. 1 and 4) is located on an end of the nut device distal from the rim or edge of the opening in the wall 5. Parkin, Fig. 4. As such, the aperture 2 of Parkin fails to disclose a first inclined surface which contacts the rim or edge of the opening, as stated in Claim 30.

Similarly, the latching lugs 40 of Young only include one inclined surface, which is also located distal from the rim or edge of the opening in the hub 16. The portion of the latching lugs 40 of Young which does contact the rim or edge of the opening in the hub 16 is parallel to the plane of the opening in the hub 16, and not at an incline with respect to the to the plane of the opening in the hub 16. As such, Young also fails to disclose a first inclined surface which contacts the rim or edge of the opening, as stated in Claim 30.

Accordingly, Applicant respectfully asserts that Examiner has failed to establish a prima facie case of obviousness of independent Claim 30, and corresponding Claims 31, 34-36, 42, 53, and 54 because they are each ultimately dependent from Claim 30. Therefore, Applicant respectfully requests that Examiner remove the rejection of Claims 30, 31, 34-36, 42, 53, and 54 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,286,185 to Ramsauer in view of U.S. Patent No. 3,426,817 to Parkin et al. and U.S. Patent No. 1,950,205 to Young.

#### **Claim 42**

As stated above, Claim 42 depends from independent Claim 30. As Claim 30 is allowable, so must be Claim 42.

In addition, Claim 42 states in part:

**“wherein the two flat metal pieces of the holding elements are held jointly by the spring in such a way that these three parts form a manageable unit that is stable in itself.”** (emphasis added).

Examiner admits that Ramsauer and Parkin fail to disclose the above language of Claim 30. Rather Examiner points to Young as disclosing the above language. This, however, misinterprets the teachings of Young.

In particular, Claim 42 specifies that the two metal pieces are flat. However, the two latching lugs 40 of Young are knoblike and are not flat.

Furthermore, the latching lugs 40 and spring 41 of Young need the pin 35 to keep the latching lugs 40 together. As such, the latching lugs 40 and spring 41 of Young do not form a manageable unit that is stable in itself, as stated in Claim 1.

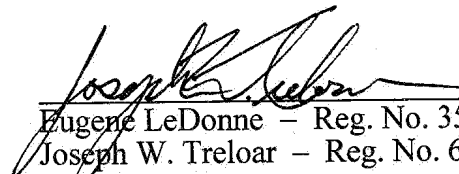
Accordingly, Applicant respectfully asserts that Examiner has failed to establish a prima facie case of obviousness of Claim 42. Therefore, Applicant respectfully requests that Examiner remove the rejection of Claim 42 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,286,185 to Ramsauer in view of U.S. Patent No. 3,426,817 to Parkin et al. and U.S. Patent No. 1,950,205 to Young.

#### **IV. WITHDRAWN CLAIMS 32, 33, 38, 40, 41, 43-52, AND 55-58**

Claims 32, 33, 38, 40, 41, 43-52, and 55-58 are each ultimately dependent from independent Claim 30. As Claim 30 is allowable, so must be Claims 32, 33, 38, 40, 41, 43-52, and 55-58. Accordingly, Applicant respectfully asserts that Claims 32, 33, 38, 40, 41, 43-52, and 55-58 are now in allowable form. Therefore, Applicant respectfully requests Examiner rejoin and allow currently withdrawn Claims 32, 33, 38, 40, 41, 43-52, and 55-58.

Based upon the above remarks, Applicant respectfully requests reconsideration of this application and its early allowance. Should the Examiner feel that a telephone conference with Applicant's attorney would expedite the prosecution of this application, the Examiner is urged to contact him at the number indicated below.

Respectfully submitted,



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